IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4364 of 2000

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JAYENDRA HARILAL RAVAL & 2 - Petitioner(s)
Versus
AHMEDABAD MUNICIPAL CORPORATION & 18 - Respondent(s)

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Appearance :
MR TH SOMPURA for Petitioner(s) : 1 - 3.
MR HS MUNSHAW for Respondent(s) : 1,
RULE SERVED for Respondent(s) : 2 - 3,6 - 8.
SERVED BY AFFIX.-(R) for Respondent(s) : 4 - 5.
MR MB GANDHI for Respondent(s) : 9 - 19.
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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 27/03/2006

ORAL ORDER

1.In this matter arguments were virtually concluded and the Ahmedabad Municipal Corporation was requested to make available original files pertaining to oral interview for making appointments which are under challenge in this petition. For the above purpose, since the documents were not readily available, the matter was adjourned once or twice. Finally today the matter was placed on Board for making available the said documents and for dictation of the judgement. The learned advocate Shri Sompura for the petitioners referred to an affidavit in sur-rejoinder on behalf of

the petitioners sworn on 23-03-2006 and filed in the Registry on 24-03-2006. When the petition was at such an advanced stage of conclusion of hearing and at the stage of dictation of judgement, the said affidavit could not have been filed without permission of the Court. The issues which are not already on record certainly could not have been included as part of the pleadings without seeking a proper permission from the Court. On the other hand, if as is sought to be suggested by the learned advocate for the petitioners Shri Sompura, no new averments have been made in the said affidavit, I see no purpose why such an affidavit should have been filed. Under the circumstances it is not possible to permit the petitioners to file a further affidavit in sur-rejoinder and affidavit filed already without permission of the Court is ordered to be returned to the petitioners. I find that the learned advocate for the petitioners ought not to have taken such a liberty to file such an affidavit without permission of the Court when arguments were over. Not only that permission of the Court was not obtained, till he started making his fresh submissions today on the basis of affidavit, the Court was not even informed that such an affidavit has been filed. I take strong

exception to the procedure adopted.

(Akil Kureshi,J.)

(raghu)